

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MERVIN SEALY,

Petitioner,

v.

**CIVIL ACTION NO. 3:07cv109
(Judge Bailey)**

WAYNE PHILLIPS, Warden

Respondent.

ORDER

On November 26, 2007, the respondent filed a Motion to Dismiss the petitioner's petition for writ of habeas corpus. Accordingly, on November 27, 2007, the undersigned issued a Roseboro Notice. On December 3, 2007, the petitioner filed a letter in which he indicated that he had not received a copy of the respondent's Motion to Dismiss.

Attached to the Motion to Dismiss is a Certificate of Service which indicates that counsel for the respondent mailed the Motion to the petitioner on November 26, 2007. However, the court will provide the petitioner with another copy.

The Clerk of the Court is directed to mail copies of Documents 13, 13-2, and 13-3 with this Order to the *pro se* petitioner by certified mail, return receipt requested, to his last known address as shown on the docket sheet. The Clerk of the Court is further directed to provide a copy of this Order, only, to all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Filing in the United States District Court.

IT IS SO ORDERED

DATED: December 3, 2007.

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE